STATE OF MARYLAND
RECOVERY HOUSING PROGRAM

POLICIES AND PROCEDURES MANUAL
SFY 2023

Maryland
DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

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EQUAL HOUSING OPPORTUNITY

EXHIBITS

Exhibit A – 2023 CDBG Income Limits

Exhibit B – Citizen Participation Plan

Exhibit C – Public Hearing Notice

Exhibit D – Local Resolution

Exhibit E – Residential Anti-Displacement and Relocation Assistance Plan

Exhibit F – Certification Regarding Debarment and Suspension

Exhibit G – Limited English Proficiency Determination

Exhibit H – Recovery Residence Certification

This Policies and Procedures Manual provides information for projects funded with Maryland CDBG Recovery Housing Program (RHP) funds.

Revised August 23, 2023 – DHCD has revised the policies and procedures for this grant for funds not awarded in the prior competition. These revusions apply to the new award of federal funds and expand the eligible activities as described below.

The Maryland Recovery Housing Program (RHP) is a federally funded program designed to assist county governments with the provision of stable, temporary housing for individuals in recovery from a substance use disorder. The State has $3,817,229 available for this competitive funding round.

RHP is funded with Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) and will be managed by the Maryland Department of Housing and Community Development (DHCD) through the Office of Community Development Programs in the Division of Neighborhood Revitalization. HUD provides the State with "maximum feasible deference" to create additional policies, be more restrictive than HUD in policies and interpretation of regulations, and to determine how funds will be distributed.

Persons in recovery for a substance use disorder are in the process of changing to improve their health and wellness, live a self-directed life, and strive to reach their full potential. The intent of the RHP is to support persons in recovery by providing stable, temporary housing. The housing is to be provided up to two years or until the person secures permanent housing, whichever is earlier.

A "recovery residence" is defined as a service that provides alcohol-free and illicit drug-free housing to individuals with substance-related disorders or addictive disorders or co-occurring mental health and substance-related disorders or addictive disorders. The RHP funds should be leveraged with other local, state and federal programs and efforts, including substance use treatment, employment assistance, and other services that support the individual's self-sufficiency.

Data used by HUD in determining funding eligibility and allocation established that Maryland has significant numbers of persons impacted by substance use disorders. In collaboration with the Maryland Behavioral Health Administration (BHA), DHCD determined the greatest need across the state is recovery housing for women with children. Additionally, it was determined that a primary barrier to the provision of recovery housing is the cost of property acquisition. Therefore, these State RHP funds will be targeted specifically for:

- Acquisition of improved property,
- Minor renovations of existing housing or buildings,
- Acquisition of land,
- Closing and associated costs for donated property,
- New construction,

for use as recovery housing for women with children.

ELIGIBILITY AND REQUIREMENTS

Through a competitive process, the State will accept applications from all county governments including the City of Baltimore. The State will select at least one rural project and one urban/suburban project. Only one application may be submitted per unit of government. All applicants must meet the following eligibility criteria:

- The applicant is a county government;
- The proposed activities are eligible under Title I of the Housing and Community Development Act of 1974, as amended, and identified on the list of eligible activities outlined in this document;
- The proposed project meets the CDBG national objective of benefit to low and moderate income persons through limited clientele activities;
- The proposed subrecipient is an eligible nonprofit organization.

Eligible subrecipients include: non-profit organizations that are corporations, associations, agencies or faith-based organizations with non-profit status under the IRS Section 501(c)(3); and must have specific information in their organizational by-laws and mission statements that clearly state they primarily serve low and moderate income persons recovering from a substance use disorder.

The county government is to conduct a risk analysis to review and evaluate the subrecipient's financial and administrative capacity to manage and complete a project. The risk analysis should include an assessment of past performance with CDBG or other local, state or federal funds, staff qualifications and experience, and determination that the proposed number of staff is sufficient for the implementation of the project.

National Objective - RHP funds must meet a CDBG national objective which is required by Title I of the Housing and Community Development Act of 1974, as amended. All funded RHP projects are required to meet the national objective of benefit to low and moderate income persons through limited clientele activities. This includes:

- Homeless persons;
- Persons who meet the federal poverty limits;
- Persons insured by Medicaid; or
- Income qualification of clients based on family size and income which demonstrates that at least 51% of all beneficiaries at the facility are persons whose family income does not exceed 80% of the area median income. In this case, families are comprised of mothers and their children.

Eligible participants are women with children moving from treatment to recovery housing who reunite with their children. Information for the children will be required to track all beneficiaries living in the facility.

Eligible Activities – All activities must be eligible per Section 105(a) of Title I of the Housing and Community Development Act of 1974 ("HCD Act of 1974"), 42 U.S.C. § 5305(a), as amended. For RHP, the State chooses to limit the use of funds to the acquisition of improved real property that is vacant or that is currently leased by an elgible non-profit, acquisition and renovation, or new construction of property for use as temporary housing for women who are in recovery from substance abuse. Applicants may request a reasonable amount of funds for project administration. Specifically, funds may be used for the following costs:

- Appraisal Costs;
- Settlement Costs;
- Acquisition;
- Acquisition and Minor Renovations related to health and safety;
- Aqquisition and New Construction;
- Project Administration Costs for staff to complete the acquisition activites;
- No CDBG funds may be used for relocation expenses.

Acquisition - For RHP, properties to be acquired must comply with the following:

- Property must be part of a voluntary sale;
- If the property is currently used for recovery housing it must be occupied through a legal lease between the owner and subrecipient;
- Improved properties must be inspected and meet local liveability codes prior to acquisition;
- Properties currently leased by the subrecipient and in operation must be inspected by the grantee and meet local liveability codes. *Inspection reports must be submitted with the RHP application*;
- Properties must be properly zoned for a recovery housing facility;
- Properties acquired for renovation or new construction may require compliance with federal labor standards, Buy America Build America Action, and Section 3;
- Properties may not be located in the 100 year floodplain.

Other Requirements – The other RHP requirements are as follows:

- Existing leased facilities must be certified by the BHA;
- Housing must be available to beneficiaries for no more than two years;
- Benecificaries must receive a variety of services to continue their recovery efforts including counseling, peer support and other necessary services such as transportation, childcare and employment training;
- Applicants must include three years of projected operating costs for new facilties;
- Applicants must include three years of projected operating costs and three years of past operating costs for existing facilties;
- Grantees and subrecipients must report specific information about beneficiaries who move to permanent housing after they leave;
- Properties will be subject to a term of use based on the amount of funds awarded;
- Subrecipients must submit an application for certification of a new recovery residence from the BHA. Failure to apply will result in repayment of the grant funds by the subrecipient the grantee. More information is available at: https://health.maryland.gov/bha/Pages/Recovery-Residences.aspx
- Within six months of the award, the subrecipient must apply to the BHA for operating funds which includes funding for a Care Coordinator; and
- In the event renovations are required, the application must include a work write up of necessary work and commitment of funds to complete the work.

APPLICATION SUBMISSION PROCESS

The following regulations, requirements and policies apply to submission of the RHP application. There will be one virtual pre-application training session held on August 23, 2023 from 1PM – 3PM.

One original application and two copies are due by Wednesday, October 25, 2023. Those received after the designated date and time will be rejected. The original application and two copies are to be mailed to: **DHCD, 7800 Harkins Road, Lanham, MD 20706. Attention: CDBG Program**.

1. Citizen Participation Requirements – Governments must comply with citizen participation requirements when seeking CDBG funding and implementing CDBG funded projects. The State requires a jurisdiction to adopt and maintain a written *Citizen Participation Plan* which outlines and describes their efforts in soliciting citizen input and responding to concerns and questions. Applicants/grantees are provided minimum language to be included.

A jurisdiction's *Citizen Participation Plan* is effective for a five year period. The plan must be current at the time of application. If it is not current or the applicant does not have one, the applicant must adopt and submit a new plan with their application. See *Exhibit B*.

2. Public Hearing - A jurisdiction is to conduct at least one public hearing prior to submission of an application for a CDBG project. Failure to conduct the hearing as required will result in the rejection of the application as it will not be in compliance with Citizens Participation requirements.

Hearings must take place in conjunction with a regularly scheduled meeting of the elected public officials of the county that is submitting the application. While the hearing allows for a jurisdiction to seek input on proposed activities, it should allow for input from the community as to other needs that could be considered. A copy of the hearing notice must be submitted with the application. Copies of the meeting minutes must be submitted as soon as completed.

The public hearing notice must be published in a local newspaper at least five (5) days prior to the date of the hearing. Applicants are provided with the *minimum* language required for the notice. Additionally, the jurisdiction should seek to notify the public with other means such as cable television, posted notices in public places, notices in other local publications, newsletters, government websites, etc. The jurisdiction should encourage participation of potential or actual beneficiaries of a project and make accommodations for the disabled.

Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate. See *Exhibit C*.

3. Public Review of Application – The public should have the opportunity to review and comment on a draft of the application before it is submitted to the State. In the public hearing notice, the applicant must provide the anticipated date the draft application(s) will be available for review as well as the location where it can be found.

4. Local Resolution - The legislative body of the jurisdiction must pass a resolution authorizing submission of the application, the specific project(s) and the specific amount of funds being requested. The resolution must authorize the application in an amount equal to or greater than the amount requested in the application(s). The resolution must also acknowledge that the signers

understand that repayment of grant funds could be required if the application is funded and the project is not completed or does not meet a CDBG national objective. See *Exhibit D*.

A copy of the resolution must accompany the application or the application will not be reviewed.

5. Residential Anti-Displacement and Relocation Assistance Plan – The State requires jurisdictions to adopt and maintain a written *Residential Anti-Displacement and Relocation Assistance Plan*. While a jurisdiction should make every effort to minimize the displacement of persons or businesses when using CDBG funds, this plan will describe what the jurisdiction will do in the event that it does occur. Applicants/grantees are provided minimum language to be included.

Section 104(k) of the HCD Act of 1974, 42 U.S.C. § 5304(k), requires that reasonable relocation assistance be provided to persons displaced as a result of the use of CDBG assistance to acquire or substantially rehabilitate property. Section 104(d) of the HCD Act of 1974, as amended, 42 U.S.C. § 5304(d), requires one-for-one replacement of all low and moderate income dwelling units housing the same number of occupants as could have been housed in the units demolished or converted to another use as a result of CDBG assistance.

A jurisdiction's *Residential Anti-Displacement and Relocation Assistance Plan* is effective for a five year period. The plan must be current at the time of application. If it is not current or the applicant does not have one, the applicant must adopt and submit a new plan with their application. See *Exhibit E*.

6. Debarment - The applicant is required to complete a debarment check on their proposed subrecipient prior to application submission.The completed forms do not need to be included with the application unless there is a problem. See *Exhibit F.*

7. Limited English Proficiency – Applicants are to demonstrate their compliance with the their Limited English Proficiency Plan and that they researched the available data to determine if any of their outreach efforts required information to be translated into other languages or if other outreach efforts were required.

8. Clearinghouse Submission - Applicants must comply with the Maryland Intergovernmental Review and Coordination Process (COMAR 14.24.04). Simultaneous with the submission of any application for CDBG funding, applicants must submit an electronic copy of a project profile to the Maryland State Clearinghouse. The profile must include a cover form; a summary briefly explaining the nature, purpose, scope and justification for the project; a map of the project location and geographic area to be served; a budget identifying all sources and uses of funds; and staffing for the project. Please note that the submission to the Clearinghouse must be submitted by the government applicant, not the subrecipient. Comments from this review will be forwarded to the CDBG program. Information must be submitted to mdp.clearinghouse@maryland.gov

APPLICATION DUE DATE – OCTOBER 25, 2023

RATING AND RANKING

The State will award RHP funds through a competitive process. Applications will be evaluated using a three-step process: threshold review, project evaluation, and funding recommendations. Applications will be rejected if:

1) the application is not complete;
2) the public hearing process was not done correctly;
3) the draft application was not available for public review before submission;
4) the application is not received by the established due date; or
5) the proposed project activities do not meet the eligibility requirements.

Staff will review the application to determine if it is complete, comprehensive and sufficient. Applicants will be contacted if additional information is required.

The applications will be reviewed by staff from DHCD and the BHA.

Applicants will be given an opportunity to answer the committee's questions via email.

Rating is based on a 100 point scale based on the following factors:

RANKING FACTOR	MAXIMUM POINTS
NEED	**25**
BENEFIT AND SUPPORT	**20**
ORGANIZATIONAL CAPACITY	**35**
READINESS TO PROCEED	**20**
TOTAL	**100**

1. NEED
Applications must clearly describe the need for recovery housing in their county with data that includes:

- the actual and/or anticipated number of all persons to be served, specifically, women with children with substance use disorder;
- the number of women currently in treatment;
- the number who are currently served by recovery housing program;
- the gap in recovery housing and/or affordable housing;
- and actual or estimated rates of relapse with substance abuse due to this gap.

Identify data sources.

For currently leased facilities, please discuss any changes to the project in Part A of the application.

2. BENEFIT AND SUPPORT

Applications will be evaluated based on the degree to which the application describes the proposed project's impact and ability to effectively address the recovery needs of women with substance abuse and their children. Applicants must clearly describe their program including:

- program management
- program policies including resident requirements for entering and remaining in the recovery house
- the care management planning process
- the housing referral and placement process
- the services and support that will be provided on site as well as in the community
- the metrics that will be used to measure and evaluate success, and if applicable,
- specific proposed outcomes over a 2 year period upon occupancy, including the number of persons to be housed and the number of persons that will transition to permanent housing within 2 years of moving into recovery housing. (Note: Count only the number of recovering women. Children will be counted after occupancy.)

Applications must include support letters from service provider partners, treatment centers, local health authorities, clients, and others in the community.

3. ORGANIZATIONAL CAPACITY

The organizational capacity of the subrecipient will be evaluated based on the information that is provided about the organization and its history. This includes information on the financial capacity of the organization including income and expense statements for the past two years. Three years of past and three years of projected operating costs must be provided for existing facilities. Three years of projected operating costs must be provided for new facilities.

Information should be provided about the history of current and past programs, the experience of staff, and prior program accomplishments with serving this population. For this recovery house project, a staffing plan and a programmatic plan should be included in the application.

4. READINESS TO PROCEED

Applications must demonstrate that the property can be acquired and ready for occupancy within the **1 year timeframe for acquisiton only, 18 months for acquisition and renovations, and 2 years for new construction** of the grant award date. The application must provide:

- an overall grant management plan;
- a detailed project schedule that includes property acquisition, and construction timeline;
- a timeline for full occupancy of the facility that includes the anticipated date of property acquisition and/or occupancy.

If the applicant has identified a property for acquisition of a new facility, the following information should be provided:

- anticipated dates of acquisition and occupancy;
- property address;
- photographs of the property;
- verification that the surrounding neighborhood has been informed of the proposed project and is not opposed;
- inspection reports;
- zoning information; and
- for projects needing renovation or new construction, the application should include a copy

of work writeup, preliminary architecture and engineering design, preliminary schedule.

If the applicant plans to purchase a property that they currently lease, the following information should be provided:

- anticipated dates of acquisition and occupancy;
- property address;
- photographs of the property;
- for projects needing renovation, the application should include a copy of work writeup; demonstration of funding and a schedule;
- Inspection report.

FUNDING RECOMMENDATIONS

The highest rated applications will be recommended for funding. DHCD reserves the right to reduce requested amounts or to not fund specific activities identified in an application.

The recommendations of the Rating Committee for both approval and rejection of applications are reviewed by the Assistant Secretary for Neighborhood Revitalization and presented to the Secretary of DHCD for final approval. Awards are expected to be announced within approximately 30 days of the application submission deadline.

ADDITIONAL PROGRAM INFORMATION

1. Grant Period - The grant term will be for 12 months. The grant period is related to the expenditure of the grant funds only.

2. Grant Amendments - For grants where specific addresses were identified, the agreement can be amended for changes in location due to extenuating circumstances. Grantee must conduct a new public hearing to discuss the change in location after their request has been pre-approved by DHCD.

3. Reporting - Grantees will be required to submit quarterly progress reports and, upon occupancy, provide information on beneficiaries including the number of persons residing in the housing and the race, ethnicity, and income of each person served during the quarter. Additionally, grantees will be required to report on participants who have moved to permanent housing or exited due to non-compliance with the program during the quarter.

4. Monitoring and Grant Close Out - Grants will be monitored on an on-going basis by CDBG Program staff for compliance with federal and state regulations and requirements and to ensure that the national objective has been met. All grants are considered "open" until they have been fully monitored and all issues are resolved. The State will issue a Close Out letter to the grantee when it has been formally closed. Grant files and records must be retained by the grantee for a five (5) year period after close out of the State's grant by HUD.

5. Recapture and Repayment of Funds – The CDBG Program will recapture funds from awarded grants if the grantee is not expending funds and implementing projects in a timely manner. Any funds recaptured through grant termination, repayment due to monitoring findings, or completion of an activity at a cost savings will be subject to HUD regulations and requirements.

PROGRAM REGULATIONS, REQUIREMENTS AND POLICIES

Grants must be implemented in compliance with the requirements found in the HCD Act of 1974, the CDBG program regulations found in 24 CFR 570, other federal regulations, and state policies and procedures. While most are not applicable until a project is funded and underway, some have to be considered when submitting an application for funding as they may impact cost, schedule, staffing, etc. The ones listed below are specific to the eligible activities that can be funded under this grant:

1. Acquisition - Uniform Relocation Act – Grantees must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR Part 24) when acquiring improved property and permanent easements that are required for the project.

2. Audits – If a grantee spends more than $750,000 of federal funds from any source during their fiscal year, they are required to have a Single Audit prepared in conformance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Part 200).

3. Build America, Buy America Requirements – The Build America, Buy America Act (BABA) established domestic procurement preferences for all infrastructure projects funded with federal financial assistance. Specifically, BABA requires that all iron, steel, manufactured products and construction materials are produced in the United States.
BABA applies to all projects involving construction, alteration/rehabilitation, maintenance or repair of infrastructure. For purposes of BABA, "infrastructure" includes, at a minimum, the structures, facilities and equipment for roads, highways, and bridges; public transportation; dams; water systems including drinking water and wastewater systems; broadband; electrical transmission facilities and systems; utilities; facilities that generate, transport and distribute energy; and buildings and real property. Non-CDBG eligible activities were not included on this list.
Due to waivers issued by HUD, until notified to the contrary, for CDBG funded projects:
● BABA only applies to the purchase of iron and steel and requires that all manufacturing from the initial melting stage through the application of coatings has occurred in the United States;
● BABA does NOT apply to "infrastructure" projects where the total cost of the project is $250,000 or less; and
● BABA does NOT apply to housing rehabilitation or renovation projects if the total cost of the work per house is $250,000 or less.
If the CDBG funds are used in a project which includes other federal funds, the HUD specific waivers are not applicable and all BABA requirements will apply. CDBG staff will coordinate with other funding sources to ensure compliance requirements.

Under BABA, waivers will be considered if (1) a waiver is in the public interest; (2) the types of iron, steel, manufactured products or construction materials are not produced in the United States in sufficient and reasonably available quantities or satisfactory quality; or (3) the application of the domestic preference would increase the cost of the overall project by more than 25%.
Additionally, for CDBG funded projects, HUD will consider providing waivers for exigent circumstances for projects that must proceed without delays to protect life, safety, security or to prevent the destruction of property.

Further information will be provided to grantees after awards are made, however, consider these requirements when obtaining estimates for your proposed projects. BABA applies to all RHP projects. Note that it may be required for previously funded projects if
there are other sources of federal funds which required BABA.

4. Conflict of Interest - Grantees must comply with federal Code of Conduct or Conflict of Interest Standards found in 2 CFR Part 200 and 24 CFR Part 570.489 which includes having a written policy. Additionally, State of Maryland law requires local governments to adopt conflict of interest restrictions and financial disclosure requirements for local elected officials and candidates that are at least as stringent as the requirements for public officials contained in the Public Ethics Law. More information regarding the Local Government Ethics Law can be found at COMAR, Title 19A, Subtitle 04, Local Government Ethics Law.

5. Environmental Review – Grantees must comply with the National Environmental Policy Act of 1969 and other federal laws which are specified in 24 CFR Part 58. This review must be completed prior to the initiation of project activities regardless of the funding source. A project is defined as the sum of all elements or activities, not just those funded with CDBG. No activities are to begin until a Release of Funds has been issued by the CDBG Environmental Officer.

6. Expenditure Requirements – All funds must be drawn within one year of grant award date.

7. Fair Housing and Equal Opportunity – Grantees must demonstrate their compliance with numerous federal laws, regulations, and Executive Orders as a recipient of a CDBG award and in their general conduct of operating a government. The most relevant regulations are related to non-discrimination when using HUD funding programs; non-discrimination and equal opportunity in housing; non-discrimination on the basis of race, color, religion, sex, national origin, handicap or familial status in programs and activities receiving or benefiting from federal assistance; and employment and contracting opportunities for lower income persons or minority businesses. The grant agreements issued for funded projects will identify all that apply and the specific requirements. Note that these requirements also apply to subrecipients.

8. Fair Housing and Equal Opportunity - Section 3 – If applicable, Grantees must comply with Section 3 of the HCD Act of 1968. Section 3 applies if a project is funded with a minimum of $200,000 of RHP and other HUD funding. It applies to projects when the HUD funding is used for construction activities. To the greatest extent feasible, "Section 3 Business Concerns" and/or "Section 3 Workers" are to be hired. Grantees must report on total labor hours for the entire project, making the best effort to ensure that 25% of labor hours are provided by Section 3 workers. Additionally, a minimum of 5% of those hours are to be provided by Targeted Section 3 Workers.

9. Financial Management - Grantees must comply with appropriate sections of 2 CFR Part 200, 24 CFR 570.489 and State regulations and requirements in the financial management of their federal grant. CDBG funds should only be spent on costs that are deemed as "reasonable and necessary." *The CDBG Program Financial and Procurement Manual* will provide additional information.

10. Insurance - The property owner is required to maintain sufficient replacement insurance. Files must contain appropriate documentation. Insurance is to be maintained for the term of use, lien period, or loan term. This does not apply to recipients of funds for utility connections. Failure to enforce the insurance requirement will result in repayment of all CDBG funds used for that building.

11. Labor - Davis Bacon and Related Acts – Funded CDBG projects that result in construction contracts that exceed $2,000 are subject to the federal Davis-Bacon Act, the Contract Work Hours and Safety Standards Act of 1962, and the Fair Labor Standards Act. This does not apply to the rehabilitation or renovation of residential structures designed for less than eight units when

completed or for contracts impacting seven or less housing units.

12. Lead-Based Paint – When CDBG funds are used for operations of a residential facility, the grantee is to do a visual assessment of all painted surfaces in the building to identify deteriorated lead-based paint. If identified, paint stabilization and clearance is required prior to occupancy. The grantee or subrecipient is responsible for the cost of the lead paint evaluation and hazard reduction.

13. Maintenance Plan –Grantees and subrecipients must provide an acceptable maintenance plan once the facility is operational. The plan must include inspection schedules and scope of work to be undertaken if there is a warranty, annual inspections and reports, documentation of maintenance actions, etc. Grantees must also identify how funding for short-term and long-term maintenance and replacement costs will be addressed.

14. Procurement - Grantees are to comply with requirements and processes as identified in the *CDBG Program Financial and Procurement Manual.*

15. Program Income - While it is not anticipated that Program Income will be generated, if a property is sold prior to the expiration of the term of use, the prorated share of CDBG funds must be returned.

16. Project Administration Costs – Project administration costs must be directly related to acquisition activities and RHP reporting.

17. Subrecipient Agreement - If funded, the grantee will be required to execute a Subrecipient Agreement with the specific entity that will operate the facility. These agreements bind subrecipients to the requirements and policies of the CDBG program.

18. Terms of Use - Subrecipients will operate the acquired property as a recovery residence for a period of time determined by the amount of RHP funds received. The county grantee shall enforce this requirement with a lien or other legal mechanism between themselves and the subrecipient. The term shall be in effect after an occupancy permit is issued for new residences. For existing residences, the term will begin on the date of settlement.

The terms shall be no less than:

- 10 years for an award of CDBG funds up to $400,000;
- 15 years for an award of CDBG funds between $400,001 and $600,000; or
- 20 years for an award of CDBG funds greater than $600,001.

If the term cannot be met, the grantee must contact the CDBG program to discuss future actions and consequences. Options could include transfer of the property to the grantee who will seek additional providers to operate the building as a recovery residence.

During the CDBG Terms of Use, the grantee shall not, and shall not allow the subrecipient to (a) create, incur, assume or suffer to exist any mortgage, pledge, security interest, encumbrance, lien, charge, conditional sale or other title retention agreement, or lien of any kind on property acquired with CDBG funds; or (b) make, create, permit or consent to any conveyance, sale, assignment or transfer of the property or any part thereof acquired with CDBG funds.

19. <u>Violence Against Women Act</u> – The Violence Against Women Act Reauthorization Act of 2022 (VAWA) included a new requirement for the State and CDBG grantees to support an individual's right to seek law enforcement or emergency assistance. Under the "Right to Report Crime and Emergencies from One's Home," CDBG grantees are to:

● report on the existence of laws or policies they have adopted that impose penalties based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a covered property; and

● certify that they are in compliance or describe the steps necessary to remedy laws and policies that may be non-compliant.

Examples of local laws and actions that may penalize survivors for reporting crimes:

● Nuisance property ordinances that includes fines for an excessive number of calls for emergency or ambulance services and/or incidents of domestic violence;

● Laws that lack exceptions for cases where the resident or tenant is a survivor of domestic violence or another crime, or for calls for emergency assistance by persons with disabilities;

● Laws that do not specify domestic violence as a nuisance but still penalize survivors due to having a broad definition of "nuisance activities: (e.g. disturbing the peace, excessive noise, disorderly conduct, or "excessive" calls to emergency services).

The Right To Report law seeks to eliminate how nuisance ordinances and crime-free programs negatively impact survivors.

These impacts include:

● Dissuading survivors from contacting law enforcement and emergency services for fear of fines,fees and eviction;

● Experiencing homelessness and possibly the loss of children as a result of eviction;

● Compromising future rental eligibility because of an eviction history or criminal history due to a wrongful domestic violence arrest;

● Discriminatory policing disparately impacting survivors in immigrant communities and communities of color due to low thresholds for nuisance enforcement;

● The adverse impact on survivors with disabilities who may require emergency services with some frequency.

The application Statement of Assurances and Certifications has been amended to include VAWA. Further information will be provided to grantees after awards are made.

• • • Exhibit A • • •
INCOME LIMITS

HUD Fiscal Year 2023 CDBG Income Limits

The 2023 income limits are posted on the CDBG page of DHCD website.

https://dhcd.maryland.gov/Communities/Documents/cdbg/2022HUDIncomeLimits.pdf

The 2023 income limits will be provided when available.

HHS Federal Poverty Guidelines for 2023 are posted on the HHS website.

https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines

• • • Exhibit B • • •

MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZEN PARTICIPATION PLAN

_____ has adopted this Citizen Participation Plan to meet the citizen participation requirements of 24 CFR 570.486 and 24 CFR 91.115(e). Regulations require that each unit of general local government receiving or expecting to receive Maryland Community Development Block Grant Funds:

- Furnish citizens with information related to the availability of CDBG funding including the amount the State makes available under each state fiscal year, the eligible CDBG activities, and the eligible uses of CDBG funds;

- Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;

- Ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to the unit of general local government's proposed and actual use of CDBG funds;

- Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with procedures developed by the State. Such assistance need not include providing funds to such groups;

- Provide for a minimum of two public hearings, each at a different stage of the project, for the purpose of obtaining citizen's views and responding to proposals and questions;

- Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the State and, for grants already made, activities which are proposed to be added, deleted, or substantially changed from the application to the State. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the State;

- Provide citizens with the (County/Town) Residential Anti-Displacement and Relocation Assistance Plan if proposed applications to be submitted will likely result in displacement of persons or businesses from their homes or businesses;

- Provide citizens the contact address, email address, phone number and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

- Provide information and seek comment from potential beneficiaries that are outside the jurisdiction that may benefit from CDBG funded activities.

PROVISION OF INFORMATION, PUBLIC HEARINGS AND COMMENTS

_____ will provide reasonable access to records and information on the proposed and actual use of CDBG funds during regular business hours of _____am-_____pm at the following location: _____. Where possible, _____ will provide copies of documents or access to copying services to citizens or groups requesting information at their own expense.

_____will hold at least one public hearing to receive input by citizens on the housing and community development needs of the jurisdiction and to discuss the development of proposed activities. This hearing will be held in conjunction with a regularly scheduled meeting of the elected public officials prior to submission of an application for CDBG funds.

If the MD CDBG Program funds the activity, a second hearing on program performance must be held at some point during the grant period after the activity has been initiated.

The MD CDBG Program requires that notice of a public hearing be published in a newspaper of general local circulation no less than five (5) days in advance of the hearing. Hearings will be held at times and locations convenient to actual or potential beneficiaries and at locations accessible to the disabled. Documentary evidence that the required notices are published, and public hearings are held in accordance with the plan will be maintained. Written minutes of the hearing and an attendance roster will be maintained by _____ _____at the following location:_____ _____.

The MD CDBG Program requires applicants to make draft copies of applications to be submitted available for public comment. The information as to how the public may access the draft plan will be included in the public hearing notice and discussed during the hearing.

Additional information to citizens about the CDBG Program, potential projects and public hearings will be provided through government and other websites, through articles in local newspapers, newsletters or community bulletins, mailings or at presentations made at community meetings.

If necessary, _____ will plan for a translator when it is expected that non-English speaking persons will participate. Similarly, a signer shall be provided for a deaf or mute participant. If special accommodations are necessary, however, requests should be made to _____@_____. At least ___ days advance notice is requested.

TECHNICAL ASSISTANCE

When requested to provide technical assistance to groups representative of persons of low and moderate income, _____will assist if possible. Files shall document meetings between the group and the local government. If staff capacity to assist does not exist, _____ may offer a referral to the State or to a consultant who can provide the necessary expertise.

COMPLAINTS AND GRIEVANCES

Citizens who wish to submit a complaint or grievance may do so by calling or writing:

_____
_____
_____
_____

_____ shall make reasonable effort to provide a written complaints or grievances within 15 working days

AMENDMENTS TO APPLICATIONS OR GRANTS

_____ will provide citizens notice of, and opportunity to comment on, substantial changes to grants already made, including changes in the purpose, scope, location or beneficiaries. This can be achieved through public notice describing the change and establishing a comment period or through public hearing.

This Citizen Participation Plan is hereby adopted by _____ on _____,20___. It is effective for a 5-year period until _____.

_____ _____
CHIEF ELECTED OFFICIAL WITNESS

3/2023

• • •Exhibit C • • •

First Public Hearing Notice
(Sample shows minimal language to be included)

NOTICE OF PUBLIC HEARING

The (*Jurisdiction*) will conduct a Public Hearing to obtain the views of citizens on the submission of an application to the Maryland Recovery Housing Program on behalf of _____. Citizens will have the opportunity to discuss the proposed recovery housing project for women in recovery from substance abuse.

The hearing will be held at the (*Location*) at (*time, day, and date*). The draft application will be available for the public to review on (*date*) until (*date*) at (*location)* during normal business hours.

Efforts will be made to accommodate the disabled and non-English speaking residents with _____ *days* advance notice to _____ (*name and phone number of contact*).

_____
(Chief Executive Officer of Jurisdiction)

• • • Exhibit D • • •

Authorizing Resolution
(Sample shows minimal language to be included)

RESOLUTION

WHEREAS, the State of Maryland through the Department of Housing and Community Development has solicited applications from eligible jurisdictions to apply for funding under the Maryland Recovery Housing Program, a program through the Maryland Community Development Block Grant Program; and

WHEREAS, (Jurisdiction) is eligible to apply for funding through the Maryland Department of Housing and Community Development; and

WHEREAS, the (Board/Council name) have held the required public hearing(s) related to the formulation of the (Jurisdiction)'s Grant Application; and

WHEREAS, the (Board/Council name) understand and acknowledge that they would be responsible for completion of grant activities and any corrective actions including the repayment of funds if necessary;

NOW, THEREFORE, BE IT RESOLVED, that the (Board/Council name) authorize the submittal of an application Recovery Housing Program funds in the amount of ($) this (____) day of (_____ 20__) for the following project:

BE IT FURTHER RESOLVED, that (Chief Elected Official) is authorized and empowered to execute any and all documents required for the submission of the application.

(Board /Council name)
(Jurisdiction)

By:_____
(Mayor/President)

Attest:

_____

_____

_____

_____

• • • Exhibit E • • •

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

_____ will take every preventable action to minimize the involuntary displacement of persons or businesses when using federal funds received from the Maryland Community Development Block Grant funds as a source of funding in our projects. In the event that displacement occurs, _____, hereby agrees to comply with all requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA"), as amended, as described in 49 CFR Part 24; and with the Housing and Community Development Act of 1974 ("HCD Act of 1974"), as amended, as described in 24 CFR Part 42.

RELOCATION

_____ will provide relocation assistance as required under the URA to all persons or businesses displaced as a direct result of assisted activities. They shall be provided relocation benefits which, at a minimum, include:

– Relocation assistance planning and advisory services;
– Moving expenses;
– Referral to comparable replacement unit; and
– Replacement housing payments for 42 months.

Low and moderate income households displaced by the acquisition or demolition of housing or by the conversion or rehabilitation of low and moderate income dwellings to another use are entitled to additional benefits under the requirements of 24 CFR 42.350. These additional benefits include:

– Security deposits and credit checks,
– Referral to comparable replacement unit; and
– Replacement housing payments for 60 months.

Additionally, legal, low and moderate income tenants are also eligible for:

• Referral to at least one suitable, decent, safe and sanitary replacement dwelling unit. _____ _____shall advise tenants of their rights under the Federal Fair Housing Act, 42 U.S.C. §§ 3601—3619,, and of replacement housing opportunities in such a manner that, wherever feasible, they will have a choice between relocation within their neighborhood and other neighborhoods; and

• Each person must be offered rental assistance equal to 60 times the amount necessary to reduce the monthly rent and estimated average monthly cost of utilities for a replacement dwelling (comparable replacement dwelling or decent, safe, and sanitary replacement dwelling to which the person relocates, whichever costs less) to the "Total Tenant Payment." All or a portion of this assistance may be offered through a certificate or voucher for rental assistance (if available) provided under Section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

In addition, in consideration of the financial assistance received from the Maryland CDBG Program, particularly when such assistance is used for acquisition, rehabilitation, demolition, or

conversion which results in temporary relocation, _____ agrees to assist either the temporarily displaced residential or business tenant or owner occupant during the time they are displaced. Those receiving temporary relocations shall receive at a minimum:

– Interim living costs;
– Relocation assistance planning and advisory services;
– Reasonable moving expenses; and
– Rental Assistance (if moving to a more expensive unit).

ONE FOR ONE REPLACEMENT HOUSING

In the event that low and moderate income dwelling units are demolished or converted to a use other than as low/moderate-income housing, _____ will replace all units that were occupied or were vacant but deemed occupiable as required under Section 104(d) of the HCD Act of 1974, as amended.

All replaced housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, _____ will make public and submit to the Maryland CDBG Office the following information in writing:

A. A description of the proposed assisted activity;

B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to use other than as low/moderate-income dwelling units as a direct result of the assisted activity;

C. A time schedule for the commencement and completion of the demolition or conversion;

D. The general location on a map and approximate number of dwellings units by size (number of bedrooms) that will be provided as replacement dwelling units;

E. The source of funding and a time schedule for the provision of replacement dwelling units; and

F. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling for at least ten (10) years from the date of initial occupancy.

GENERAL POLICIES

1. _____ will take every preventable action to minimize the involuntary displacements of persons or businesses during the implementation of our CDBG funded projects. Examples of actions that may be taken include:

    - Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first, so they can be rehabilitated first, and tenants moved in before rehabilitation of occupied units or buildings is begun.

- Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.

- Provide counseling to assist homeowners and renters to understand the range of assistance that may be available to help them in staying in the area being revitalized.

2. _____ may enter into a written agreement with a subrecipient, or the owner of the assisted property, under which either may pay all or part of the cost of the required relocation assistance.

3. _____ understand the cost of relocation assistance and other benefits shall be paid from CDBG funds or such other funds as may be available from any source including the jurisdiction's general fund.

4. _____ will refer owners and/or tenants to the State CDBG Program if there is a disagreement with the determination that these requirements do not apply to an acquisition or a displacement.

5. _____ will prepare a specific Relocation Plan in the event that funding is requested for a project where it is known that displacement will occur.

ATTEST/WITNESS

_____

_____
(Typed Name of Chief Elected Official

_____
(Signature)

This Anti-Displacement Plan is hereby adopted by _____ on _____,20___. It is effective for a 5 year period until _____.

• • • Exhibit F • • •

MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
Certification Regarding Debarment and Suspension

Instructions

All CDBG grantees will be required to do debarment checks on all subrecipients and anticipated contractors receiving CDBG funds. This applies to labor contractors, engineers, consultants, architects, etc. These checks will be completed by using the form provided. The completed form should be placed in your CDBG records in a separate folder.

For proposed subrecipients, debarment checks must be completed prior to submission of the application. Upon award, debarment checks must be completed by the Grantee prior to signing the contract for services.

Note: Debarment checks for construction contractors will be completed by the CDBG Labor Standards Officer.

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989 Federal Register (pages 4722-4733).

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective shall attach an explanation to this proposal.

Grantees should use the System for Award Management (SAM) web-site to determine if the subrecient is excluded from receiving Federal contracts. The web-site can be found at www.sam.gov .

MARYLAND CDBG PROGRAM

Debarment Check

Grantee Name: _____

Name of Subrecipient _____
(Legal)

Subrecipient Address _____

Date Debarment Check Completed _____

CERTIFICATION SIGNATURE:

SIGNATURE: By signing this Certification page, you certify that you performed the necessary actions to complete the debarment check and certifying that this contractor is not debarred or suspended.

Grantee Chief Elected Official Name: _____

Signature: _____

Date: _____

(Signed Certifications are to be kept in CDBG project files)

• • •Exhibit G • • •

LIMITED ENGLISH PROFICIENCY DETERMINATION

Using a HUD mapping tool, determine if information related to your application and your outreach require for documents and other outreach information to be translated into other language.

To access the AFFH Data and Mapping Tool:

1. Go to https://egis.hud.gov/affht/
2. Step 1 – select State/Insular Area
3. Step 2 – select Maryland
4. Step 3 is pre-populated with Maryland
5. Step 4 is pre-populated with AFFHT0006
6. Step 5 – select Map 4 LEP
7. Select LOAD AFFH MAP
8. Select your county

When you click on your county, a box will appear providing you with the 5 most populous language spoken in your county.

HUD's guidance is as follows, however, if an applicant is specifically targeting activities which include a large number of non-English speaking persons, then action should be taken:

- If number is 1,000 or more, *vital* documents must be translated.
- If number equals more than 5% of population AND more than 50 in number, *vital** documents must be translated.
- If number equals more than 5% of population AND is 50 or less in number, translate written notice of person's right to receive oral interpretation of documents.
- If number is 5% or less of population AND less than 1,000 in number, no written translation is required.

Identify the most populous non-English language spoken in your county: _____

_____ Number of Persons _____% of population

Identify any actions taken by jurisdiction: _____
_____
_____
_____
_____

Date: _____

Repeat on separate paper if there is more than one language that triggers action.

**Vital documents* are those that contain information critical for obtaining federal services and/or assistance or are required by law. Examples: notices, applications, notices of rights, notices of availability or eligibility, needs assessments, etc.

• • • Exhibit H • • •

RECOVERY RESIDENCE CERTIFICATION

Certification is required for recovery residences that:

- Receive State BHA funds;
- Operate as a certified recovery residence;
- Are advertised, represented or implied by any individual, partnership, corporation, or other entity as being a certified recovery residence;

For information on certified recovery residences or the process for applying for recovery residences certification, please send an email to mcorr.info@maryland.gov.

BHA has adopted the National Alliance for Recovery Residences' 2015 Quality Standards for the certification of recovery residences in Maryland. To obtain a copy of the standards please visit: https://narronline.org/affiliate-services/standards-and-certification-program.

To apply to become a certified recovery residence in Maryland complete the MCORR application and submit the required documentation.
https://health.maryland.gov/bha/Documents/MCORR%20Application%2010.2021.doc%20fillable.pdflication

For a list of existing certified recovery residences in Maryland:
https://health.maryland.gov/bha/Pages/Recovery-Residences.aspx

Please note that the lists are updated at least monthly to reflect the current certification status of recovery residences.